

10/017,655

T148

REMARKS

Claims 1-10 and 12-22 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject application and entry of the amendments submitted on 8-12-03 is respectfully requested in view of the comments herein. It is noted that amendments submitted on 8-12-03 do not invoke a new search, as the "multicolor photo indicator" is a subset of "photo indicators" that should have been considered by the Examiner.

I. Rejection of Claims 1-10 and 12-22 Under 35 U.S.C. §103(a)

Claims 1-10 and 12-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li *et al.* (U.S. Patent 5,672,858) in view of Giordano *et al.* (U.S. Patent 6,321,990). Withdrawal of this rejection is requested for at least the following reasons.

Both Li *et al.* and Giordano *et al.*, as well as the present invention are commonly owned, or were subject to an obligation of assignment to Symbol Technologies, Inc. (which owns Telxon Corporation) at the time the inventions were made. Accordingly, pursuant to 35 U.S.C. 103(c), the rejection of these claims based on these commonly owned references should be withdrawn.

10/017,655

T148

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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